IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL REVIEW PETITION NO.8/2006.
IN
S.B.CIVIL REVISION PETITION NO.1238/1999.

Ramswaroop. **VERSUS** Babulal and Others.

15.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.J.P.Goyal, for the petitioner.
Mr.V.S.Chouhan, for the respondents.

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This review petition has been filed by the decree holder who was the non-petitioner in the revision petition No.1238/1999 [Babulal Vs. Ramswaroop & Another] objecting to the statement in the order dated 05.01.2006 where it has been mentioned with regard to the grant of permission to the legal representatives of the deceased Babulal for permission to take water connection through the disputed pathway. The objection is to the following portion:-

> "The learned executing court will consider the application and accord necessary permission which is not disputed by the other side."

Learned counsel for the petitioner-decree holder submits that the petitioners do not agree to the aforesaid and that the words "which is not disputed by the other side" should be deleted.

Having considered the aforesaid submission, the order dated 05.01.2006 is modified. In the final portion the order shall read as follows:-

> "The learned executing court will consider the application and accord necessary permission."

The words "which is not disputed by the other side" are ordered to be deleted.

The above order has been passed with a view to end this litigation finally as the decree holder will have the right of way over the disputed pathway and the judgment debtor would not be deprived of an essential amenity of pure drinking water through pipe line which can be taken by placing the same below the surface without placing any obstruction in the pathway for which the decree has been granted for injunction.

With the above modification, this review petition stands disposed of.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.